

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
April 29, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Neil Peterson, Information Systems Director
E. Kent Sundberg, Civil Division Chief Attorney	Lana Jensen, Utah County Personnel Director
David Shawcroft, Utah County Deputy Attorney	Richard Nielson, Utah County Public Works Director
Paul Jones, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Bryan E. Thompson, Utah County Clerk/Auditor	Andrea Allen, Utah County Recorder's Office
Scott C. Hogensen, Chief Deputy Clerk/Auditor	James O. Tracy, Utah County Sheriff
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Darin Durfey, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Mike Forshee, Utah County Sheriff's Office
Amy Offinga, Utah County Assessor's Office	Dalene Higgins, Utah County Sheriff's Office
Jim Stevens, Utah County Assessor's Office	Gary Ratcliffe, Utah County Surveyor
Carolyn Brown, Commission Office Volunteer	Robert C. Kirk, Utah County Treasurer
Brandon Larsen, Community Development	Bill Hulterstrom, United Way of Utah County
Dr. Joseph K. Miner, Health Department Exec. Director	Eldon A. Neves, Citizens for Rural Utah
Eric Edwards, Utah County Health Department	Matt Baker, -No further information given-
Margie Golden, Utah County Health Department	Tim Collings, -No further information given-
Lance Madigan, Utah County Health Department	Greg Roberts, -No further information given-
Steve Mickelson, Utah County Health Department	Stephanie Summers, -No further information given-
Robert Johnson, Drug&Alcohol Prevention&Treatment	Mike Stansfield, Fairways Media
Richard Nance, Drug&Alcohol Prevention&Treatment	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:00 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE LETTER TO SPRINT IDENTIFYING SPRINT ACCOUNTS THAT ARE ELIGIBLE TO PURCHASE WIRELESS COMMUNICATION SERVICES UNDER WESTERN STATE CONTRACTING ALLIANCE (WSCA) AGREEMENT NO. 1907 AND THE STATE OF UTAH CONTRACT MA262**
- 2. DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS AND ALLOW THE DISPOSITION THEREOF BY PUBLIC AUCTION**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-541 WITH GSBS ARCHITECTS FOR THE HISTORIC COURTHOUSE ROOF/PARAPET/WEST STEPS PROJECT**
- 4. APPROVE THE STIPULATED MARKET VALUES FOR ACCOUNTS SPECIFIED IN PERSONAL PROPERTY LETTER NO. 2014-1, DATED APRIL 23, 2014**

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5. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60305, DATED APRIL 24, 2014
6. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20305, DATED APRIL 23, 2014
7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR USE OF COUNTY GROUNDS FOR THE 2014 TASTE OF THE VALLEY *(Continued from the April 15 and April 22, 2014 Commission meetings)*

The Board requested that Consent Agenda Item No. 7 be continued to the next meeting of the Board.

CONTINUED TO MAY 6, 2014

8. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 59:010:0004 (AGREEMENT NO. 2013-359)
9. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-9
10. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY HEALTH DEPARTMENT, AND THE UTAH COUNTY SHERIFF'S OFFICE
11. APPROVE THE MINUTES OF THE APRIL 22, 2014 COMMISSION MEETING

12. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 467	April 21, 2014	Purchasing Cards 1892-1915	Total: \$	3,889.07
Register No. 468	April 21, 2014	Purchasing Cards 1916-1927	Total: \$	2,193.91
Register No. 469	April 21, 2014	Check Nos. 193485-193496	Total: \$	5,378.84
Register No. 470	April 21, 2014	Check Nos. 193497-193518	Total: \$	46,815.91
Register No. 471	April 21, 2014	Check Nos. 193519-193519	Total: \$	30.70
Register No. 472	April 22, 2014	Purchasing Cards 1928-1928	Total: \$	15,259.58
Register No. 473	April 22, 2014	Purchasing Cards 1929-1940	Total: \$	2,713.73
Register No. 474	April 22, 2014	Check Nos. 193520-193554	Total: \$	191,265.19
Register No. 475	April 23, 2014	Direct Deposit:19272-19273	Total: \$	678.00
Register No. 476	April 23, 2014	Purchasing Cards 1941-1954	Total: \$	5,611.76
Register No. 477	April 23, 2014	Check Nos. 193555-193567	Total: \$	7,694.07
Register No. 478	April 23, 2014	Check Nos. 193568-193574	Total: \$	4,589.31
Register No. 479	April 24, 2014	Check Nos. 193575-193575	Total: \$	270.00
Register No. 480	April 24, 2014	Direct Deposit:19274-19278	Total: \$	470.78
Register No. 481	April 24, 2014	Check Nos. 193576-193587	Total: \$	13,784.35
Register No. 482	April 25, 2014	Direct Deposit:19279-19285	Total: \$	10,933.83
Register No. 483	April 25, 2014	Purchasing Cards 1955-1985	Total: \$	46,942.25
Register No. 484	April 25, 2014	Check Nos. 193588-193612	Total: \$	54,408.90
Register No. 485	April 25, 2014	Purchasing Cards 1986-1987	Total: \$	826.64
Register No. 486	April 25, 2014	Direct Deposit:19286-19292	Total: \$	1,012,627.88
Register No. 487	April 25, 2014	Bond Wires:269-275	Total: \$	15,228.18
Register No. 488	April 25, 2014	Direct Deposit:19293-19298	Total: \$	497.00
Register No. 489	April 25, 2014	Check Nos. 193613-193663	Total: \$	151,706.79
			<u>Total:</u>	<u>\$1,593,816.67</u>

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Consent Agenda Item Nos. 1 through 6, and 8 through 12, were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

2. DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UNCOLLECTIBLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF

The Board suggested that this item be tabled for a vote until after closed meetings.

TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

3. APPROVE AND AUTHORIZE APPROPRIATION OF UNCLAIMED PROPERTY RECEIVED BY PEACE OFFICER TO PUBLIC INTEREST USE, AND DESIGNATE THE PUBLIC INTEREST USE OF THE PROPERTY AS PARTIAL FUNDING OF THE SALARIES AND BENEFITS OF THE EVIDENCE CUSTODIANS EMPLOYED BY THE COUNTY SHERIFF

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH AUTOMATED BUSINESS PRODUCTS FOR AN MPC3000 COPIER, SERIAL NO. L3785100425, LOCATED IN THE SHERIFF'S OFFICE

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT TO PROVIDE PUBLIC HEALTH NURSES

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT SPECIAL EDUCATION PROGRAM TO PROVIDE PUBLIC HEALTH NURSES

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEBO SCHOOL DISTRICT TO PROVIDE PUBLIC HEALTH NURSES

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO CITY SCHOOL DISTRICT TO PROVIDE PUBLIC HEALTH NURSES

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2015 LOCAL SUBSTANCE ABUSE AREA PLAN TO BE SUBMITTED TO THE STATE OF UTAH DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH FOR SFY 2015 ALLOCATION PER AGREEMENT NO. 2012-309 (STATE CONTRACT NO. 122419)

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 3 TO UTAH COUNTY AGREEMENT NO. 2011-188 BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND THE STATE OF UTAH DEPARTMENT OF HUMAN SERVICES, UPDATING CONTRACT LANGUAGE AND EXTENDING THE TERMS OF THE AGREEMENT UNTIL SEPTEMBER 30, 2016

19. ADOPT A RESOLUTION CONFIRMING THE APPOINTMENTS OF DIRECTORS AND ALTERNATE DIRECTORS TO THE BOARD OF DIRECTORS OF THE MT. NEBO WATER AGENCY *(Continued from the April 22, 2014 Commission meeting)*

20. APPROVE A RESOLUTION APPOINTING A DIRECTOR AND CONFIRMING THE APPOINTMENT OF THE ALTERNATE DIRECTOR TO THE MT. NEBO WATER AGENCY FROM THE RECOMMENDATIONS OF THE STRAWBERRY HIGH LINE CANAL COMPANY

21. ADOPT RESOLUTION OF APPOINTMENTS OF GEORGE STEWART, KAROLEE MEHEW, AND LAURA BLANCHARD TO THE CHILDREN'S JUSTICE CENTER ADVISORY BOARD

The Board suggested that this item be tabled for a vote until after closed meetings.

TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 12 were ratified; No. 2 was **declared as surplus**; No. 3 was **approved and authorized**; Nos. 4, 5, 6, 8, 9 and 11 were approved; No. 7 was **continued** to the May 6, 2014 meeting of the Board; and No. 10 was **adopted**. **Regular Agenda Item Nos. 2 and 21** were **tabled** for further discussion; Nos. 3, 6, 7, 8, 9, 10, 12 and 13 were **approved and authorized**; No. 19 was **adopted**; and No. 20 was **approved**.

AGREEMENT NOS.: 2014-257, 2014-258, 2014-259, 2014-260, 2014-261, 2014-262, 2014-263, 2014-264, 2014-265, 2014-266, 2014-267, 2014-268, 2014-269, 2014-270, 2014-271 and 2014-272

RESOLUTION NOS.: 2014-54, 2014-55, and 2014-56

REGULAR AGENDA

1. PRESENTATION OF A NATIONAL PUBLIC HEALTH WEEK "FRIENDS OF PUBLIC HEALTH" AWARD TO BILL HULTERSTROM

Utah County Health Department Executive Director Dr. Joseph K. Miner introduced Bill Hulterstrom, Executive Director of United Way of Utah County. Dr. Miner presented the "Friends of Public Health" award to Mr. Hulterstrom.

Commissioner Ellertson took a moment of personal privilege to introduce Carolyn Brown, a Brigham Young University student pursuing her Master of Public Administration degree. Ms. Brown has volunteered to assist in updating the county's General Plan; she will spend six weeks working with the Commission Office, followed by six weeks in China as part of her education.

4. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY TIM COLLINGS WITH C161P LLC RELATED TO PARCEL SERIAL NO. 02:033:0029

Utah County Tax Administration Supervisor Burt Harvey from the Clerk/Auditor's Office approached the bench with Tim Collings. Mr. Harvey summarized that this property was sold during the 2013 May Tax Sale. The American Fork home was purchased by Stacy and Matt Baker at a forty percent undivided interest, making them co-owners of the property with Tim Collings. The address for Mr. Collings, the original owner, was not correct on public records; both the original and follow-up Tax Sale notices from the Clerk/Auditor's Office were returned to the county. Commissioner Anderson clarified that the property taxes must be five years delinquent to be included on the Tax Sale.

Tim Collings explained that his main concern in relation to the property is not about the notices, but circumstances surrounding the current situation. He moved three years ago, and was under the impression that taxes were being paid by the mortgage company. Mr. Collings stated he was made aware of the upcoming Tax Sale, but the property was under foreclosure at the time; he has been making multiple attempts through a real estate agent to work out a solution with the bank for the last six to nine months. The house was built in 1872 and was approved for division into townhomes before the recession halted progress. Mr. Collings instead rented the property to tenants until Chase Bank set a foreclosure date, which is when the delinquent taxes were brought to his attention. Because of financial institution mergers, the bank did not address the tax issue until after the Tax Sale.

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Tim Collings went on to explain that while the house itself is not ideal, there is great potential and he has a lot of money invested into it. The Tax Sale has forced him to work with a new partner and they do not always see eye-to-eye.

Matt Baker bought undivided interest in the property during the 2013 Tax Sale process. Mr. Baker came forward to explain that he attempted to rent the home to tenants after the purchase, but he and Mr. Collings are in disagreement over whether or not that can be done; it currently sits vacant. Burt Harvey repeated that the county made several attempts to notify the owner of the upcoming sale, including physical notices posted on the property.

Utah County Deputy Attorney Dianne Orcutt pointed out that legal notice provisions have been satisfied. She noted that the disagreement between Mr. Baker and Mr. Collings is a separate issue, reiterating that Utah County has met statutory obligations. Utah County Deputy Attorney David Shawcroft agreed with Ms. Orcutt, stating that there are no grounds for the county to set aside the sale at this point.

Matt Baker added that the window to file a protest against a Tax Sale is ten business days, noting that the event is now almost a year past, and Deputy Attorney David Shawcroft confirmed. When Tim Collings repeated the communication issues with Chase Bank, Matt Baker summarized that Mr. Collings is attempting to 'undo' something that was not addressed in a timely manner. Mr. Collings acknowledged there is a mortgage on the property, and Commissioner Anderson asked about their partnership.

Commissioner Witney asked when Tim Collings became aware of the foreclosure, and Mr. Collings responded that he knew about it a few months before the Tax Sale. Commissioner Witney noted that Mr. Collings did not take any action to stop the sale, and Mr. Collings repeated that he was attempting to work with the bank for quite some time. Mr. Collings also pointed out what would have been the futility in paying \$5,000.00 in back taxes on a home that would be re-possessioned by the bank within a week or two after the fact. Tax Administration Supervisor Burt Harvey mentioned that Chase Bank did contact the county following the Tax Sale to address several parcels in similar situations.

Utah County Deputy Attorney David Shawcroft referenced Utah Code Section 59-2-1351.7: Partial Interest Tax Sales to describe the parameters for return. Commissioner Ellertson expressed concern for the initial property owner, and Commissioner Anderson concurred while pointing out that notice obligations have been met. Matt Baker added that he now has invested several thousand dollars into the property as well. Tim Collings stated he does not want Mr. Baker harmed and is only trying to work out a messy and complicated situation, but would ultimately like to see the property returned to himself. Mr. Collings mentioned restitution as an option.

The Board suggested that this item be tabled for a vote until after closed meetings.

Commissioner Ellertson made the motion to table the Tax Sale Protest filed by Tim Collings with C161P LLC related to Parcel Serial no. 02:033:0029 as described in Regular Agenda Item No. 4. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

5. APPROVE (OR DENY) LOAFER VIEW RANCHES SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT

Commissioner Ellertson commented on the need for open dialogue with the Utah County Planning Commission, and discussions centered around development codes and agricultural preservation as the population in Utah Valley grows.

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Development is not generally encouraged in unincorporated areas, but this unusual property is located in the middle of three cities. Brandon Larsen of the Utah County Community Development Office provided some details and indicated that he could arrange a meeting for Commissioner Ellertson to begin addressing those concerns.

Tyler Roberts came forward to represent the Roberts LLC Trust, and pointed out his grandmother and father in the audience. Mr. Roberts explained that they are selling lots because a tax situation several years ago forced the family to quickly acquire \$100,000; this will recuperate some of those costs.

The Board reviewed some of the stipulations set by the Utah County Planning Commission for approval of this subdivision, and Tyler Roberts stated the family is aware of the requirements and agrees to meet them. The property is not on any city infrastructure, and the price of meeting county standards is ultimately better than choosing to transplant miles and miles of sewer and water lines. Brandon Larsen noted that the stipulations are routine, and Commissioner Witney commented on rollback taxes.

Commissioner Witney made the motion to approve the Loafer View Ranches Subdivision, Plat "A," subject to the conditions stated in the staff report as outlined in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-273

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH NEONATAL FOLLOW-UP PROGRAM TO USE COUNTY FACILITIES TWICE A MONTH

Utah County Health Department Executive Director Dr. Joseph K. Miner explained that this program has been in place for approximately twenty years. Newborn intensive care graduates are studied to track how well they progress for the first few years of life after premature delivery. Intermountain Healthcare and the state work together to use the clinic space twice a month. The facilities are still available to the county; it is an in-kind donation.

Commissioner Ellertson made the motion to approve and authorize the agreement with the Utah Department of Health NeoNatal Follow-Up Program to use county facilities twice a month as detailed in Regular Agenda Item No. 11. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-274

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MASTER SERVICES AGREEMENT AND THE MASTER SERVICES ATTACHMENT FOR SERVICEELITE IN ORDER TO CONTINUE MAINTENANCE AND SUPPORT ON THE IBM SERVERS USED BY THE COUNTY-WIDE LAW ENFORCEMENT SYSTEM

Commissioner Ellertson asked about the different pricing plans, and Utah County Information Systems Director Neil Peterson confirmed that the expenses were anticipated in the budget through the 'single-year' option.

Commissioner Ellertson made the motion to approve and authorize the Master Services agreement and the Master Services Attachment for ServiceElite as contained in Regular Agenda Item No. 14. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NOS. 2014-274 and 2014-274(A)

- 15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE AMERICAN FORK CENTRAL STAKE PRIMARY OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS TO USE BB GUNS AND ARCHERY EQUIPMENT AT WILLOW PARK FOR YOUTH ACTIVITIES ON JUNE 20 AND 21, 2014 (Continued from the February 4 and February 11, 2014 Commission meetings)**

Utah County Deputy Attorney Paul Jones confirmed for Commissioner Ellertson that the updated and correct insurance documents have been provided to the county, and Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg mentioned that the group is insured by the Church of Jesus Christ of Latter Day Saints.

Commissioner Witney made the motion to approve written permission for the American Fork Central Stake Primary of the Church of Jesus Christ of Latter Day Saints to use BB guns and archery equipment at Willow Park for youth activities on June 20 and June 21, 2014 as specified in Regular Agenda Item No. 15. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-276

- 16. APPROVE OR DENY A REQUEST FROM BYU VOCAL POINT TO WAIVE THE \$600 EVENT PERMIT FEE FOR FILMING IN THE HISTORIC COURTHOUSE ON APRIL 28, 2014**

Commissioner Anderson explained that the Board had initially acquiesced to this request from the Brigham Young University choir group, but have received reports as of this morning that safety glass was removed from railing in the Historic Courthouse during filming the day before. Commissioner Ellertson questioned whether the group could be considered truly non-profit if they are selling merchandise, and Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg clarified that they are exempt as part of the school. Utah County Public Works Director Richard Nielson mentioned that Provo City waived fees for their use of the Covey Center, and Commissioner Anderson expressed surprise at this fact.

Commissioner Witney questioned how BYU Vocal Point would have been able to use the premises without a promise from county personnel, and Richard Nielson explained that a Public Works employee would not have necessarily needed to be present for access. Commissioner Ellertson suggested denying the request, and Commissioner Anderson likened the situation to property taxes for exempt charitable buildings. Commissioner Witney suggested the group be brought before the Board to explain their position. Utah County Clerk/Auditor Bryan E. Thompson clarified that if any fees were collected for use of the grounds, it would have been added to the Public Works budget.

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Commissioner Ellertson made the motion to approve the request from BYU Vocal Point to waive the \$600 event permit fee for filming in the Historic Courthouse on April 28, 2014 as defined in Regular Agenda Item No. 16, subject to inspection of the grounds to determine no damages were incurred as a result of the group. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

*ADDITIONAL NOTES.

Please refer to the final page of these minutes for additional notations.

17. APPROVE OR DENY A REQUEST FROM THE MOUNT MAHOGANY STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF A PORTION OF THE MURDOCK CANAL TRAIL FOR THE "MOUNT MAHOGANY STAKE YOUNG WOMEN TEMPLE WALK" TO BE HELD ON MAY 10, 2014

Utah County Public Works Director Richard Nielson explained that approximately 250 Young Women of the church would walk along the trail next Saturday morning. They are not expected to obstruct regular use of the trail, and security services will not be needed.

Commissioner Ellertson made the motion to waive the \$300 event permit fee for the Mount Mahogany Stake of the Church of Jesus Christ of Latter-Day Saints to use a portion of the Murdock Canal Trail for the "Young Women Temple Walk" to be held on May 10, 2014, as outline in Regular Agenda Item No. 17, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

AGREEMENT NO. 2014-277

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH PASIFIKA FOR USE OF COUNTY GROUNDS ON MAY 23 AND 24, 2014

Utah County Deputy Attorney Paul Jones clarified that this is for the annual festival celebrating the Pacific Islands.

Commissioner Witney made the motion to approve and authorize an agreement with Utah Pasifika for use of county grounds on May 23 and May 24, 2014 as described in Regular Agenda Item No. 18. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

AGREEMENT NO. 2014-278

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

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- 24. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

STRICKEN

- 25. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

STRICKEN

- 26. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 24, 25 and 26 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

- 22. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

SET

- 23. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments, and the meeting recessed at 9:53 A.M. to go into closed meetings. The public meeting reconvened at 11:08 A.M.; the commissioners returned to previously tabled Regular Agenda Item Nos. 2, 4, and 21 at this point. They also chose to re-open discussion of Regular Agenda Item No. 16.

REGULAR AGENDA

2. DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UNCOLLECTIBLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 2 regarding the designation of past due accounts receivable as uncollectible to the May 6, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO MAY 6, 2014

*Please refer to the final page of these minutes for additional notations.

4. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY TIM COLLINGS WITH C161P LLC RELATED TO PARCEL SERIAL NO. 02:033:0029

Commissioner Witney made the motion to deny the Tax Sale Protest filed by Tim Collings with C161P LLC related to Parcel Serial No. 02:033:0029 as specified in Regular Agenda Item No. 4. The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Ellertson recused himself from casting a vote in this matter, as he was once an ecclesiastical figure for Tim Collings. Commissioner Ellertson expressed hope that Mr. Collings and Mr. Baker would be able to come to an amicable solution.

The motion carried with the following vote:

**AYE: Gary J. Anderson
Doug Witney
NAY: None**

DENIED

*Please refer to the final page of these minutes for additional notations.

21. ADOPT RESOLUTION OF APPOINTMENTS OF GEORGE STEWART, KAROLEE MEHEW, AND LAURA BLANCHARD TO THE CHILDREN'S JUSTICE CENTER ADVISORY BOARD

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Commissioner Ellertson made the motion to adopt the resolution of appointments of George Stewart, Karolee Mehew, and Laura Blanchard to the Children's Justice Center Advisory Board as defined in Regular Agenda Item No. 21. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

RESOLUTION NO. 2014-57

*Please refer to the final page of these minutes for additional notations.

Though previously addressed, the commissioners chose to re-open Regular Agenda Item No. 16 at this point.

Commissioner Ellertson made the motion to reconsider Regular Agenda Item No. 16, due to new and relevant information received since the previously recorded vote. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

16. APPROVE OR DENY A REQUEST FROM BYU VOCAL POINT TO WAIVE THE \$600 EVENT PERMIT FEE FOR FILMING IN THE HISTORIC COURTHOUSE ON APRIL 28, 2014

The Utah County Public Works Department was able to confirm that while filming on April 28, 2014 in the Historic Courthouse, BYU Vocal Point removed property at a cost to the county and therefore violated the terms of use of the agreement. Commissioner Anderson noted that in addition to revoking the previous approval and now denying the request, Utah County reserves the right to bill and seek compensation for damages.

Commissioner Witney made the motion to deny the request from BYU Vocal Point to waive the \$600 event permit fee for filming in the Historic Courthouse on April 28, 2014 as discussed in Regular Agenda Item No. 16. The motion was seconded by Commissioner Ellertson, and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

DENIED

*Please refer to the final page of these minutes for additional notations.

This concluded the open meeting.

Commissioner Witney made the motion to adjourn the April 29, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

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There being no further business nor public comment, the meeting adjourned at 11:12 A.M. The minutes of the April 29, 2014 Commission Meeting were approved as transcribed on May 27, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 2:

The commissioners addressed Regular Agenda Item No. 2, regarding the designation of past due accounts receivable as uncollectible, following closed meetings and continued the item to the next meeting of the Board.

*Regular Agenda Item No. 4:

The commissioners addressed Regular Agenda Item No. 4, regarding a Tax Sale Protest filed by Tim Collings with C161P LLC related to Parcel Serial No. 02:033:0029, following closed meetings and denied the item by a two-zero vote; Commissioner Ellertson recused himself.

*Regular Agenda Item No. 21:

The commissioners addressed Regular Agenda Item No. 21, regarding a resolution of appointment to the Children's Justice Center Advisory Board, following closed meetings and adopted the item by unanimous vote.

*Regular Agenda Item No. 16:

The commissioners re-visited Regular Agenda Item No. 16, regarding a request from BYU Vocal Point to waive the \$600 event permit fee for filming in the Historic Courthouse on April 28, 2014, following closed meetings. New information led them to revoke their previous approval and deny the request by unanimous vote.